

REMARKS/ARGUMENTS

The claims pending in the application are: 2, 39, 42, 45, 48, 51, 54, 57, 60, 63, 72, 75, 78, 81, 84, 87, 90, 93, 96, 99 and 102. The following claims are rejected: 2, 39, 42, 45, 48, 51, 54, 57, 60, 63, 66, 69, 72, 75, 99 and 102. The following claims are objected to: 78, 81, 84, 87, 90, 93 and 96. The rejected claims, i.e., nos. 2, 39, 42, 45, 48, 51, 54, 57, 60, 63, 66, 69, 72, 75, 99 and 102, have been canceled from the application without prejudice or disclaimer of applicant's right to pursue patent protection for the subject matter of these claims in a continuing application such as a divisional of the present application. Claims 78 and 96 have been amended by being rewritten in independent form. No new matter is added to the application by these amendments. Entry of this Amendment is respectfully requested as it is believed to place the entire application in condition for allowance or, at a minimum, to materially reduce the issues for an appeal.

Claim Objections

The Office Action states that claims 78, 81, 84, 87, 90, 93 and 96 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, applicants have amended claim 78, which originally depended, respectively, from claims 75, 72, 39 and 2, such that it is now rewritten in independent form. This amendment is believed to overcome the objection to claim 78 and the Examiner is thus respectfully requested to reconsider and withdraw his objection to that claim. Claims 81, 84, 87, 90 and 93 all depend, directly or indirectly, on claim 78 and thus these claims are believed to be allowable for the same reason as claim 78. Further, claim 96, which initially depended from claim 2, has now been amended by being rewritten in independent form. This amendment is believed to overcome the objection to the subject claim, and the Examiner is respectfully requested to reconsider and withdraw the objection to claim 96.

Rejections Under 35 U.S.C. 112

Claims 2, 39, 42, 45, 48, 51, 54, 57, 60, 63, 66, 69, 72, 75, 99 and 102 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the prior Office Action.

In response to this rejection, applicant has canceled the rejected claims without prejudice or disclaimer of his right to pursue patent protection for the subject matter of any or all of these claims in a subsequent application. The rejection of the subject claims is therefore now moot in light of their cancellation.

Summary

Claims 78, 81, 84, 87, 90, 93 and 96, as amended, remain in the application for the Examiner's consideration. These claims are all believed to be in condition for allowance, early notice of which would be respectfully appreciated.

If the Examiner believes that a telephone or personal interview would be of value in resolving any issues remaining concerning this application, he is respectfully invited to telephone applicant's representative at the number below.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 16, 2004:

William O. Gray, III

Name of applicant, assignee or
Registered Representative

Signature

August 16, 2004

Date of Signature

Respectfully submitted,

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